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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,734	12/27/2000	Sanjay S. Natarajan	42390P10050	7194

8791 7590 01/15/2004

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR
LOS ANGELES, CA 90025

EXAMINER

GURLEY, LYNNE ANN

ART UNIT	PAPER NUMBER
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2812

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/750,734	Applicant(s) NATARAJAN ET AL.	
	Examiner Lynne A. Gurley	Art Unit 2812	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 20, 21 and 23-29 is/are pending in the application.
- 4a) Of the above claim(s) 14-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 18, 20-21, and 23-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to the RCE filed 12/16/03.

Currently, claims 1-18, 20-21 and 23-29 are pending. Claims 14-17 have been withdrawn.

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-13, 18, 20-21, 23-27 and 28-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Andideh et al. (US 6,362,091, dated 3/26/02)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C.

102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37

Art Unit: 2812

CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Andideh shows the method as claimed in Figures 1a-2c and corresponding text, with substrate 100 which includes plural active and passive devices formed on a silicon wafer such as transistors, interconnects, etc. and also includes insulating materials doped with phosphorus (PSG) or boron and phosphorus (BPSG), etc. that separate the active and passive devices from the subsequently formed conductive layers on top of them (column 2, lines 55-67; column 3, lines 1-3). An etch stop layer 102 is formed directly over the substrate 100; a base layer 103 is over the etch stop and the subsequently formed layers 103/104 or in fig. 2, 403/404/405/406/407/408/409/410/411 are considered to be the dielectric cap layer over the base layer between an interconnection line (to be formed in trench 430) and a contact point on the substrate (under via 420), the dielectric cap layer comprises a plurality of different material layers, wherein each respective layer of the plurality of different material layers is selectively etchable with respect to the etch stop layer (see figure 2; column 5, lines 5-55); a photoimageable material is introduced over the dielectric cap layer; and an interconnection 430/420 is patterned to the contact point (column 4, lines 30-67; column 5, lines 1-5).

Andideh also shows the method as claimed in Figures 1a-2c and corresponding text, with substrate 100 which includes plural active and passive devices formed on a silicon wafer such as transistors, interconnects, etc. and also includes insulating materials doped with phosphorus (PSG) or boron and phosphorus (BPSG), etc. that separate the active and passive devices from the subsequently formed conductive layers on top of them (column 2, lines 55-67; column 3,

Art Unit: 2812

lines 1-3). The insulating material is considered to form a planarized base layer over the substrate having the devices (claim 28). The base layer may be doped with phosphorus or boron which inherently collect metallic contaminants (column 2, lines 63-66; claim 29). The dielectric cap layer over the base layer which is formed by alternating a first material layer 101 (low-k) and a second material layer 102 (SiO₂) which has a higher dielectric constant than the first material layer and the first material layer is more than five times thicker than the second material layer (column 3, lines 14-67; column 4, lines 1-39; claim 28). See figures 2a-2c and corresponding text for patterning an interconnect 420/430 to the contact point.

Response to Arguments


4. Applicant's arguments with respect to claims 1-13, 18, 20-21 and 23-29 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynne A. Gurley whose telephone number is 703-305-3474. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Niebling can be reached on 703-308-3325. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-308-0956.

LAG
January 8, 2003


LYNNE GURLEY
PATENT EXAMINER
Art Unit 2812